

**FILED**

2010 JAN 22 P 4:15

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at KNOXVILLE

DONALD DOORNBOS and others ) U.S. DISTRICT COURT  
similarly situated, ) EASTERN DIST. TENN.  
Plaintiffs, ) BY \_\_\_\_\_ DEPT. CLERK  
v. ) Case No. 3:05-cv-428  
PILOT TRAVEL CENTERS, LLC, et al., ) Judge Mattice  
Defendants. )

**ORDER**

Before the Court is the Plaintiffs' Unopposed Motion for Final Approval of Settlement and for Entry of Dismissal with Prejudice [Court Doc. 165]. Because the instant litigation is filed pursuant to the Fair Labor Standards Act, 42 U.S.C. § 201 *et seq.*, the Court must evaluate the proposed settlement to ensure that it is a fair and reasonable resolution of the dispute. See *Lynn's Food Stores v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982). In determining whether a settlement is fair and reasonable, courts have looked at the following factors:

- (1) the existence of fraud or collusion behind the settlement;
- (2) the complexity, expenses, and likely duration of the litigation;
- (3) the stage of the proceedings and amount of discovery completed;
- (4) the probability of plaintiff's success on the merits;
- (5) the range of possible recovery; and
- (6) the opinions of counsel.

*Leverso v. Lieberman*, 18 F.3d 1527, 1531 n.6 (11th Cir. 1994).

To assist the Court with its fairness finding, the Court ordered the parties to submit briefs addressing the factors listed above. The parties complied with the Court's order by submitting Plaintiffs' Unopposed Motion for Final Approval of Settlement and for Entry of

Dismissal with Prejudice [Court Doc. 165] directly to the Court. On January 22, 2010, the Court also conducted a brief hearing so as to ascertain whether the proposed settlement met the requisite fairness standards.

Having reviewed the parties' Memorandum, the Court hereby **FINDS** that the proposed settlement is a fair and reasonable resolution of the dispute and such settlement is therefore **APPROVED**. Plaintiffs' Unopposed Motion for Final Approval of Settlement and for Entry of Dismissal with Prejudice [Court Doc. 165] is **GRANTED**.

The parties' settlement leaves no further matters in dispute and the above-captioned case is therefore **DISMISSED WITH PREJUDICE**. The Clerk shall close the case.

SO ORDERED this 22<sup>nd</sup> day of January, 2010.

HARRY S. MATTICE, JR.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE